



UNITED STATES MARINE CORPS

MARINE CORPS LOGISTICS BASE

814 RADFORD BOULEVARD

ALBANY, GEORGIA 31704-1128

BO 4200.10B

890

6 May 96

BASE ORDER 4200.10B

From: Commanding General
To: Distribution List

Subj: URGENT AND EMERGENCY PROCUREMENTS

Ref: (a) FAR 6.303
(b) FAR 6.304

Encl: (1) Examples of Unusual and Compelling Urgency Situations
(2) Urgent and Emergency Requirements Impact Statement

1. Purpose. To establish, emphasize the significance of, and promulgate procedures for the submission of urgent and emergency procurement requirements. To further provide guidance on the necessary approvals and justifications required of the contracting officer under the Federal Acquisition Regulation (FAR).

2. Cancellation. BO 4200.10A.

3. Summary of Revision. Due to the extent of the changes, a summary of revision does not suffice. This Base Order should be read in its entirety.

4. Background

a. The FAR and all other pertinent acquisition statutes and regulations mandate full and open competition to the maximum extent practicable, and establish specific preference for the use of sealed bidding procedures or competitive proposals when sealed bidding is not appropriate. In most situations, these competitive procedures can facilitate adequate lead times to meet requiring activities' delivery and performance requirements. However, in some situations the normal leadtime requirements will cause delivery or performance to be inadequate for the needs of a requiring activity.

b. The FAR contemplates circumstances that require expediting certain procurements based on unusual and compelling urgency. Enclosure (1) illustrates some of the circumstances which may be considered to be of an unusual and compelling nature. These may allow for the use of alternative contracting methods including other than full and open competition, the waiver of synopsis requirements, the use of oral solicitations plus the possible use of unpriced orders and letter contracts. The conclusion that certain circumstances truly exist which would generate an urgent or emergency requirement lies with the requiring activity. The

requiring activity must document to the contracting activity through senior management channels the required information and rationale to support the use of alternative expedited contracting methods.

c. This Order applies to requirements in excess of \$10,000 only. This dollar threshold is based on the regulatory requirement for review and coordination of requirements exceeding \$10,000 with the Deputy for Small Business. Furthermore, this Order applies only to requirements which are to be forwarded to Contracts Directorate for procurement.

4. Action

a. When requiring activities have urgent or emergency requirements, they shall first ensure that all local means of satisfying the requirement have been exhausted. If local means are unavailable and the urgent or emergency requirements necessitate the use of alternative expedited contracting methods, a memorandum shall either be submitted via the normal supply channels to the contracting officer with the actual requirements document or under separate cover concurrent with the input of the requirements into an automated procurement system. The memorandum shall be prepared in the format of enclosure (2) and approved and signed by the cognizant Division Director, or in the case of Directorates, the Principal Director. A detailed statement of the circumstances resulting in the unusual and compelling urgency of the requirement, the rationale for the urgency, the impact if the required delivery date is not met, and any other required information shall be addressed. The memorandum shall provide complete supporting evidence of how the mission of the Marine Corps or the Command will be adversely affected if alternative expedited contracting methods are not employed and supplies or services are not received within the required time frame. The memorandum shall contain sufficient detail to enable the contracting officer to make a decision, based on the actual degree of unusual and compelling urgency, to approve the request for an expedited procurement.

b. Upon receipt of the actual requirements plus the urgency memorandum, the responsible contracting officer will review all factors concerning the requirement and its urgency and select the most appropriate contracting method available. Whatever methods are necessary to obtain an expedited award and delivery under the regulations will be used, including in some extreme cases award based on delivery in lieu of low bid or offer, and payment of premium funds (with the concurrence of the requiring activity).

c. For proposed procurements in excess of the simplified acquisition threshold (currently \$50,000), reference (a) requires that if competition will be limited or not obtained, the responsible contracting officer prepare a Justification and Approval to procure using other than Full and Open Competition. Some additional coordination with the requiring activity will be required. Reference (b) further requires that if the procurement exceeds \$500,000, the contracting

6 May 96

officer obtain the approval of the Competition Advocate. Additionally, if the procurement exceeds \$10,000,000, approval by the Competition Advocate of the Marine Corps, (Commandant of the Marine Corps (LB)) is required and a supporting memorandum certifying the urgency of the procurement must be executed by a General Officer or Senior Executive Service civilian responsible for the requirement. In cases of extreme urgency, this approval process may occur after contract award when the approval process prior to award would unreasonably delay the procurement process. All above stated approval documents and memoranda will be maintained in the contract file folder in order to support the contracting officer's decision.

5. Applicability. This Order is applicable to the Blount Island Command.


C. F. YOUNG
Chief of Staff

DISTRIBUTION: E
6th MCDist (3)
Commander, MARFORRES

5-

EXAMPLES OF UNUSUAL AND COMPELLING URGENCY SITUATIONS

1. Illustrations of unusual and compelling urgency are provided from the DoD FAR Supplement regulation 206.302-2 below:

206.302-2 UNUSUAL AND COMPELLING URGENCY.

(b) Application.

The circumstances under which use of this authority may be appropriate include, but are not limited to, the following:

(i) Supplies, services, or construction needed at once because of fire, flood, explosion, or other disaster;

(ii) Essential equipment or repair needed at once to --

(A) Comply with orders for a ship;

(B) Perform the operational mission of an aircraft; or

(C) Preclude impairment of launch capabilities or mission performance of missiles or missile support equipment.

(iii) Construction needed at once to preserve a structure or its contents from damage;

(iv) Purchase requests citing an issue priority designator under DoDD 4410.6, Uniform Material Movement and Issue Priority System, of 4 or higher, or citing "Electronic Warfare QRC Priority."

2. Amplifications of the above illustrations as relates to Marine Corps requirements are additionally provided below:

a. Supplies and services urgently needed to support the Maritime Prepositioning Ships Program (MPS), e.g., spares, lumber, Federal Information Processing resources.

b. Essential equipment for, or repair to equipment when such repair is needed to avoid a work stoppage.

ENCLOSURE (1)

6 May 96

c. Supplies and services required in support of special projects authorized an issue priority designator under the Uniform Material Movement and Issue Priority System (UMMIPS) of 1, 2, 3, or 4.

d. Supplies and services needed on an emergency basis to avoid adverse impact to the overall mission, degraded readiness, meeting deployment requirements, or safety.

ENCLOSURE (1)

URGENT AND EMERGENCY REQUIREMENTS IMPACT STATEMENT

4200

MEMORANDUM

From:
To: Principal Director, Contracts Directorate
Subj: URGENT AND EMERGENCY REQUIRMENTS IMPACT STATEMENT
Ref: (a) BO 4200.10B

1. As per the reference, the following information in support of an urgent or emergency requirement is provided.

- a. Circumstances/Description of Requirement:
- b. Required Supplies/Services:
- c. Estimated Cost:
- d. Required Delivery Date:
- e. Priority Designator Assigned:
- f. Rationale for Unusual and Compelling Urgency:
- g. Impact if required Delivery Date Not Met (i.e., affect on Marine Corps mission, cost impact in dollars and personnel usage, other inherent adverse affects, etc.):

NOTE: Per FAR 6.301(c), contracting without providing for full and open competition (unusual and compelling urgency) shall not be justified on the basis of (1) a lack of advance planning by the requiring activity or (2) concerns related to the amount of funds available (e.g., funds will expire) to the agency or activity for the acquisition of supplies or services.

ENCLOSURE (2)